

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

**In the Matter of the Accusation)
Against:)**

Forest Searls Tennant, JR., M.D.)

Case No. 800-2017-039877

**Physician's and Surgeon's)
Certificate No. G 22141)**

Respondent)

DECISION

**The attached Stipulated Surrender of License and Order is hereby
adopted as the Decision and Order of the Medical Board of California,
Department of Consumer Affairs, State of California.**

This Decision shall become effective at 5:00 p.m. on October 22, 2019.

IT IS SO ORDERED October 15, 2019.

MEDICAL BOARD OF CALIFORNIA

**By:  _____
Kimberly Kirchmeyer
Executive Director**

1 XAVIER BECERRA
Attorney General of California
2 JUDITH T. ALVARADO
Supervising Deputy Attorney General
3 BRIAN D. BILL
Deputy Attorney General
4 State Bar No. 239146
California Department of Justice
5 300 So. Spring Street, Suite 1702
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7 *Attorneys for Complainant*

8
9 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 800-2017-039877

13 **FOREST SEARLS TENNANT, JR., M.D.**
14 **1744 Aspen Village Way**
West Covina, CA 91791-3104

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

15 **Physician's and Surgeon's Certificate No. G**
16 **22141,**

17 Respondent.

18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
19 entitled proceedings that the following matters are true:

20 **PARTIES**

21 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board
22 of California (Board). She brought this action solely in her official capacity and is represented in
23 this matter by Xavier Becerra, Attorney General of the State of California, by Brian D. Bill,
24 Deputy Attorney General.

25 2. FOREST SEARLS TENNANT, JR., M.D. (Respondent) is represented in this
26 proceeding by attorney Jeffery B. Coopersmith, Esq. (California State Bar License Number
27 252819) working cooperatively with Mark Bartlett, Esq., both of whom are from Davis, Wright,
28 Tremaine, LLP, 1201 Third Avenue, Suite 2200, Seattle, WA 98101.

3. On or about March 22, 1972, the Board issued Physician's and Surgeon's Certificate No. G 22141 to Respondent. The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 800-2017-039877, is currently in retired status, and will expire on January 31, 2021, unless renewed.

JURISDICTION

4. Accusation No. 800-2017-039877 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on September 13, 2019. Respondent stipulates to the surrender of Physician's and Surgeon's Certificate No. G 22141. A copy of Accusation No. 800-2017-039877 is attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 800-2017-039877. Respondent also has carefully read, fully discussed with counsel, and understands the effects of this Stipulated Surrender of License and Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 800-2017-039877, agrees that cause exists for discipline and hereby surrenders his Physician's and Surgeon's Certificate No. G 22141 for the Board's formal acceptance.

9. Respondent understands that by signing this stipulation he enables the Board to issue

1 an order accepting the surrender of his Physician's and Surgeon's Certificate without further
2 process.

3 **RESERVATION**

4 10. The admissions made by Respondent herein are only for the purposes of this
5 proceeding, or any other proceedings in which the Medical Board of California or other
6 professional licensing agency is involved, and shall not be admissible in any other criminal or
7 civil proceeding.

8 **CONTINGENCY**

9 11. This stipulation shall be subject to approval by the Board. Respondent understands
10 and agrees that counsel for Complainant and the staff of the Board may communicate directly
11 with the Board regarding this stipulation and surrender, without notice to or participation by
12 Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he
13 may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board
14 considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order,
15 the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this
16 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not
17 be disqualified from further action by having considered this matter.

18 12. The parties understand and agree that Portable Document Format (PDF) and facsimile
19 copies of this Stipulated Surrender of License and Order, including PDF and facsimile signatures
20 thereto, shall have the same force and effect as the originals.

21 13. In consideration of the foregoing admissions and stipulations, the parties agree that
22 the Board may, without further notice or formal proceeding, issue and enter the following Order:

23 **ORDER**

24 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G 22141, issued
25 to Respondent FOREST SEARLS TENNANT, JR., M.D., is surrendered and accepted by the
26 Board.

27 1. Respondent shall lose all rights and privileges as a physician and surgeon in
28 California as of the effective date of the Board's Decision and Order.

2. Respondent shall cause to be delivered to the Board his pocket license and, if one was issued, his wall certificate on or before the effective date of the Decision and Order.

3. If he ever applies for licensure or petitions for reinstatement in the State of California, the Board shall treat it as a new application for licensure. Respondent must comply with all the laws, regulations and procedures for licensure in effect at the time the application or petition is filed, and all of the charges and allegations contained in Accusation No. 800-2017-039877 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the application or petition.

ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney Jeffery B. Coopersmith, Esq., working cooperatively with Mark Bartlett, Esq. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED:

9/16/19

Forest Searls Tennant Jr.
FOREST SEARLS TENNANT, JR., M.D.
Respondent

I, working cooperatively with Mark Bartlett, Esq., have read and fully discussed with Respondent FOREST SEARLS TENNANT, JR., M.D. the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED:

JEFFREY B. COOPERSMITH,
Attorney for Respondent

11

11

2. Respondent shall cause to be delivered to the Board his pocket license and, if one was issued, his wall certificate on or before the effective date of the Decision and Order.

3. If he ever applies for licensure or petitions for reinstatement in the State of California, the Board shall treat it as a new application for licensure. Respondent must comply with all the laws, regulations and procedures for licensure in effect at the time the application or petition is filed, and all of the charges and allegations contained in Accusation No. 800-2017-039877 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the application or petition.

ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney Jeffery B. Coopersmith, Esq., working cooperatively with Mark Bartlett, Esq. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED: _____ FOREST SEARLS TENNANT, JR., M.D.
Respondent

I, working cooperatively with Mark Bartlett, Esq., have read and fully discussed with Respondent FOREST SEARLS TENNANT, JR., M.D. the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: Sept 25, 2019 _____
JEFFREY B. COOPERSMITH,
Attorney for Respondent

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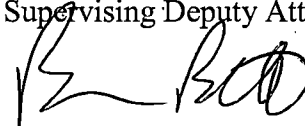
ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted
for consideration by the Medical Board of California of the Department of Consumer Affairs.

DATED: 10/1/19

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
JUDITH T. ALVARADO
Supervising Deputy Attorney General



BRIAN D. BILL
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 800-2017-039877

1 XAVIER BECERRA
Attorney General of California
2 JUDITH T. ALVARADO
Supervising Deputy Attorney General
3 BRIAN D. BILL
Deputy Attorney General
4 State Bar No. 239146
California Department of Justice
5 300 So. Spring Street, Suite 1702
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7 *Attorneys for Complainant*

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO SEPT. 13 20 19
BY A. GERSONIA ANALYST

8
9 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 800-2017-039877

13 **Forest Searls Tennant, Jr., M.D.**
14 **1744 Aspen Village Way**
West Covina, CA 91791-3104

ACCUSATION

15 **Physician's and Surgeon's Certificate**
16 **No. G 22141,**

17 Respondent.

18
19 **PARTIES**

20 1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official
21 capacity as the Executive Director of the Medical Board of California, Department of Consumer
22 Affairs (Board).

23 2. On or about March 22, 1972, the Medical Board issued Physician's and Surgeon's
24 Certificate Number G 22141 to Forest Searls Tennant, Jr., M.D. (Respondent). The Physician's
25 and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought
26 herein, is currently in retired status, and will expire on January 31, 2021, unless renewed.

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28 //

JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 2004 of the Code states:

"The board shall have the responsibility for the following:

"(a) The enforcement of the disciplinary and criminal provisions of the Medical Practice Act.

"(b) The administration and hearing of disciplinary actions.

"(c) Carrying out disciplinary actions appropriate to findings made by a panel or an administrative law judge.

"(d) Suspending, revoking, or otherwise limiting certificates after the conclusion of disciplinary actions.

"(e) Reviewing the quality of medical practice carried out by physician and surgeon certificate holders under the jurisdiction of the board.

"(f) Approving undergraduate and graduate medical education programs.

"(g) Approving clinical clerkship and special programs and hospitals for the programs in subdivision (f).

"(h) Issuing licenses and certificates under the board's jurisdiction.

"(i) Administering the board's continuing medical education program."

5. Section 2220 of the Code states:

"Except as otherwise provided by law, the board may take action against all persons guilty of violating this chapter. The board shall enforce and administer this article as to physician and surgeon certificate holders, including those who hold certificates that do not permit them to practice medicine, such as, but not limited to, retired, inactive, or disabled status certificate holders, and the board shall have all the powers granted in this chapter for these purposes including, but not limited to:

"(a) Investigating complaints from the public, from other licensees, from health care facilities, or from the board that a physician and surgeon may be guilty of unprofessional conduct. The board shall investigate the circumstances underlying a report received pursuant to Section 805 or 805.01 within 30 days to determine if an interim suspension order or temporary restraining order should be issued. The board shall otherwise provide timely disposition of the reports received pursuant to Section 805 and Section 805.01.

"(b) Investigating the circumstances of practice of any physician and surgeon where there have been any judgments, settlements, or arbitration awards requiring the physician and surgeon or his or her professional liability insurer to pay an amount in

1 damages in excess of a cumulative total of thirty thousand dollars (\$30,000) with
2 respect to any claim that injury or damage was proximately caused by the physician's
3 and surgeon's error, negligence, or omission.

4 "(c) Investigating the nature and causes of injuries from cases which shall be
5 reported of a high number of judgments, settlements, or arbitration awards against a
6 physician and surgeon."

7 6. Section 2228 of the Code states:

8 "The authority of the board or the California Board of Podiatric Medicine to
9 discipline a licensee by placing him or her on probation includes, but is not limited to,
10 the following:

11 "(a) Requiring the licensee to obtain additional professional training and to pass
12 an examination upon the completion of the training. The examination may be written
13 or oral, or both, and may be a practical or clinical examination, or both, at the option
14 of the board or the administrative law judge.

15 "(b) Requiring the licensee to submit to a complete diagnostic examination by
16 one or more physicians and surgeons appointed by the board. If an examination is
17 ordered, the board shall receive and consider any other report of a complete
18 diagnostic examination given by one or more physicians and surgeons of the
19 licensee's choice.

20 "(c) Restricting or limiting the extent, scope, or type of practice of the licensee,
21 including requiring notice to applicable patients that the licensee is unable to perform
22 the indicated treatment, where appropriate.

23 "(d) Providing the option of alternative community service in cases other than
24 violations relating to quality of care."

25 7. Section 2307 of the Code states:

26 "(a) A person whose certificate has been surrendered while under investigation
27 or while charges are pending or whose certificate has been revoked or suspended or
28 placed on probation, may petition the board for reinstatement or modification of
penalty, including modification or termination of probation.

"(b) The person may file the petition after a period of not less than the
following minimum periods have elapsed from the effective date of the surrender of
the certificate or the decision ordering that disciplinary action:

"(1) At least three years for reinstatement of a license surrendered or revoked
for unprofessional conduct, except that the board may, for good cause shown, specify
in a revocation order that a petition for reinstatement may be filed after two years.

"(2) At least two years for early termination of probation of three years or more.

"(3) At least one year for modification of a condition, or reinstatement of a
license surrendered or revoked for mental or physical illness, or termination of
probation of less than three years.

"(c) The petition shall state any facts as may be required by the board. The
petition shall be accompanied by at least two verified recommendations from
physicians and surgeons licensed in any state who have personal knowledge of the

activities of the petitioner since the disciplinary penalty was imposed.

“(d) The petition may be heard by a panel of the board. The board may assign the petition to an administrative law judge designated in Section 11371 of the Government Code. After a hearing on the petition, the administrative law judge shall provide a proposed decision to the board or the California Board of Podiatric Medicine, as applicable, which shall be acted upon in accordance with Section 2335.

“(e) The panel of the board or the administrative law judge hearing the petition may consider all activities of the petitioner since the disciplinary action was taken, the offense for which the petitioner was disciplined, the petitioner’s activities during the time the certificate was in good standing, and the petitioner’s rehabilitative efforts, general reputation for truth, and professional ability. The hearing may be continued from time to time as the administrative law judge designated in Section 11371 of the Government Code finds necessary.

“(f) The administrative law judge designated in Section 11371 of the Government Code reinstating a certificate or modifying a penalty may recommend the imposition of any terms and conditions deemed necessary.

“(g) No petition shall be considered while the petitioner is under sentence for any criminal offense, including any period during which the petitioner is on court-imposed probation or parole. No petition shall be considered while there is an accusation or petition to revoke probation pending against the person. The board may deny without a hearing or argument any petition filed pursuant to this section within a period of two years from the effective date of the prior decision following a hearing under this section.

“(h) This section is applicable to and may be carried out with regard to licensees of the California Board of Podiatric Medicine. In lieu of two verified recommendations from physicians and surgeons, the petition shall be accompanied by at least two verified recommendations from doctors of podiatric medicine licensed in any state who have personal knowledge of the activities of the petitioner since the date the disciplinary penalty was imposed.

“(i) Nothing in this section shall be deemed to alter Sections 822 and 823.”

STATUTORY PROVISIONS

8. Section 820 of the Code states:

“Whenever it appears that any person holding a license, certificate or permit under this division or under any initiative act referred to in this division may be unable to practice his or her profession safely because the licentiate’s ability to practice is impaired due to mental illness, or physical illness affecting competency, the licensing agency may order the licentiate to be examined by one or more physicians and surgeons or psychologists designated by the agency. The report of the examiners shall be made available to the licentiate and may be received as direct evidence in proceedings conducted pursuant to Section 822.”

9. Section 822 of the Code states:

“If a licensing agency determines that its licentiate’s ability to practice his or her profession safely is impaired because the licentiate is mentally ill, or physically ill affecting competency, the licensing agency may take action by any one of the following methods:

“(a) Revoking the licentiate’s certificate or license.

“(b) Suspending the licentiate’s right to practice.

“(c) Placing the licensee on probation.

“(d) Taking such other action in relation to the licentiate as the licensing agency in its discretion deems proper.

"The licensing section shall not reinstate a revoked or suspended certificate or license until it has received competent evidence of the absence or control of the condition which caused its action and until it is satisfied that with due regard for the public health and safety the person's right to practice his or her profession may be safely reinstated."

FACTUAL ALLEGATIONS

10. On or about August 20, 2019, Respondent informed the Board that he was diagnosed with, and suffers from, a degenerative physical and/or mental condition that impairs his ability to practice medicine safely. Respondent further informed the Board that the diagnosed condition[s] is/are progressive in nature, which will prevent him from safely practicing medicine again.

CAUSE FOR DISCIPLINE

(Inability to Practice Medicine Safely Due to a Mental and/or Physical Condition)

11. Respondent is subject to disciplinary action under sections 820 and 822, in that Respondent is unable to safely practice medicine due to a mental and/or physical condition affecting competency. The circumstances are as follows:

12. The facts and allegations alleged in Paragraph 10 above, are incorporated by reference as if set forth in full herein.

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11.

1 PRAYER

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
3 and that following the hearing, the Medical Board of California issue a decision:

4 1. Revoking or suspending Physician's and Surgeon's Certificate Number G 22141,
5 issued to Forest Searls Tennant, Jr., M.D.;

6 2. Revoking, suspending or denying approval of Forest Searls Tennant, Jr., M.D.'s
7 authority to supervise physician assistants and advanced practice nurses;

8 3. Ordering Forest Searls Tennant, Jr., M.D., if placed on probation, to pay the Board
9 the costs of probation monitoring; and

10 4. Taking such other and further action as deemed necessary and proper.

11
12 DATED: September 13, 2019


KIMBERLY KIRCHMEYER
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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